Supreme Court, U. S.
FILED
AUG 10 1979
MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-1335

VILLAGE OF SCHAUMBURG,

Petitioner,

vs.

CITIZENS FOR A BETTER ENVIRONMENT, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

OBJECTIONS TO MOTIONS FOR LEAVE TO FILE BRIEF AMICUS CURIAE ON BEHALF OF LOS ANGELES COUNCIL OF NATIONAL VOLUNTARY HEALTH AGENCIES, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U. S. A., THE BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS, THE LUTHERAN COUNCIL IN THE U. S. A., HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRSTIANITY, NATIONAL COMMITTEE FOR RESPONSIVE PHILANTHROPY, PUBLIC CITIZEN, NATIONAL ORGANIZATION OF WOMEN LEGAL DEFENSE AND EDUCATION FUND, NATIONAL BLACK UNITED FUND, NEW YORK PUBLIC INTEREST RESEARCH GROUP AND AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS.

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
312-263-2968,
Attorney for Petitioner,
Village of Schaumburg.

Gunthorp-Warren Printing Company, Chicago • Financial 6-6565

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-1335

VILLAGE OF SCHAUMBURG,

Petitioner,

vs.

CITIZENS FOR A BETTER ENVIRONMENT, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

OBJECTIONS TO MOTIONS FOR LEAVE TO FILE BRIEF AMICUS CURIAE ON BEHALF OF LOS ANGELES COUNCIL OF NATIONAL VOLUNTARY HEALTH AGENCIES, NATIONAL COUNCIL OF CHURCHES OF CHRIST IN THE U. S. A., THE BAPTIST JOINT COMMITTEE ON PUBLIC AFFAIRS, THE LUTHERAN COUNCIL IN THE U. S. A., HOLY SPIRIT ASSOCIATION FOR THE UNIFICATION OF WORLD CHRSTIANITY, NATIONAL COMMITTEE FOR RESPONSIVE PHILANTHROPY, PUBLIC CITIZEN, NATIONAL ORGANIZATION OF WOMEN LEGAL DEFENSE AND EDUCATION FUND, NATIONAL BLACK UNITED FUND, NEW YORK PUBLIC INTEREST RESEARCH GROUP AND AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS.

NOW COMES the Village of Schaumburg, petitioner herein, by Jack M. Siegel, its attorney, and pursuant to Rule 42(3) of the United States Supreme Court, objects to the various motions for leave to file *amicus curiae* briefs, which motions have heretofore been filed on behalf of the Los Angeles Council of National Voluntary Health Agencies, National Council of Churches of Christ in the U. S. A., the Baptist Joint Committee on Public Affairs, the Lutheran Council in the U. S. A., the Holy Spirit Association for the Unification of World Christianity, National Committee for Responsive Philanthropy, Public Citizen, National Organization of Women Legal Defense and Education Fund, National Black United Fund, New York Public Interest Research Group and American Federation of Labor and Congress of Industrial Organizations. In support of said objections, petitioner says as follows:

1. That the motions herein fail to concisely state the nature of the applicants' interest, but instead merely contain general statements as to the nature and activities of the applicants and fail to set forth any justiciable interest in the subject matter of this cause or the issues raised. The various organizations are described in general terms but clearly have no interest in the subject matter of this case.

2. The various motions as indicated by the briefs which are attempted to be filed would substantially broaden the issues herein by attempting to challenge provisions of the ordinance not at issue in the case below. That the various issues raised by the motions are not part of the trial record below and were not considered either by the trial court or the Court of Appeals for the Seventh Circuit.

3. That said motions fail to set forth facts or questions of law that have not been presented by the parties within the framework of this case in the trial court and the Court of

Appeals. Said motions further fail to set forth facts showing wherein the existing parties will not adequately represent the issues properly raised below. That, in fact, the Respondents have heretofore filed briefs in the Court of Appeals and this Court which fully raise all issues within the scope of the cause as heard in the trial court and the briefs of the proposed *amicus curiae* add nothing to the issues which are before this Court but in fact seek to broaden beyond recognition the issue tried by the district court and reviewed by the Court of Appeals.

4. That none of the applicants herein sought to intervene in the trial below in the District Court for the Northern District of Illinois or in the proceedings before the Court of Appeals for the Seventh Circuit and that the general allegations of the motions are insufficient to show the necessity of the applicants' filing briefs as *amicus curiae* in order to fully inform and advise the Court as to the issues in this cause.

5. That the said motions and briefs which are sought to be filed herein rely on facts and issues not raised in the cause below or found in the record in this cause.

6. That the petitioner herein has heretofore withheld permission for the filing of said brief for the reason that the necessity of answering the briefs as *amicus curiae* would impose unreasonable and unnecessary burdens upon the petitioner without any additional aid to this Court.

7. That the applicants herein have attached to the various motions, briefs which they propose to file. That said briefs are sought to be filed without the written consent of all the parties to the case in violation of Rule 42(2) of the Supreme Court of the United States.

WHEREFORE, the petitioner respectfully objects to the filing of the briefs as *amicus curiae* and respectfully requests that the

motions of the various parties as hereinabove set forth for leave to file briefs be denied.

Respectfully submitted,

JACK M. SIEGEL,
39 South LaSalle Street,
Chicago, Illinois 60603,
312-263-2968,
Attorney for Petitioner,
Village of Schaumburg.